GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Disputes—Industrial Dispute Between the Workmen and the Management of Kushalnagar Works, Kudige Post, Coorg District.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

(1) Letter No. I. T. 2417/66-67, dated 6th February 1967 from Shri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 3rd February 1967.

Present :

Sri A. Panchaksharaiah, B.A.S C. (Hons), LL.B. ... Presiding Officer.

I. D. No 24 of 1966.

The Workmen of Kushalnagar Works, Kudige Post, Coorg District ... *I Party.*

Vs

The Management of Kushalnagar Works, Kudige Post, Coorg District ... *II Party.*

Appearances.

For the I Party :—None Present.

For the II Party :—Sri K. Ramdas, Assistant Secretary, Mysore State Planters' Association, Chickmagalur.

Reference.

(Government Order No. LMA 1 8 LLD 66, dated 5th April 1966.)

AWARD.

The Government of Mysore in exercise of the powers conferred upon them under Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) referred an industrial dispute existing between the Workmen and the Management of of Kushalnagar Works, Kudige Post. Coorg District. in their Order No LMA 118 LLD 66, dated 5th April 1966. The dispute is in relation to the alleged denial of Gratuity to one, V K. Krishnan an employee of the said Kushalnagar works.

This dispute was registered as I. D. No. 94 of 1966.

2. The I Party filed its claim statement on 3rd May 1966. The I Party contends that the worker Sri V K Krishnan has been working as a Mill hand in the Coffee Curing Works since 16th May 1955 and he resigned the job on 1st June 1965 It is contended that the Management is bound by an agreement to its workers. In spite of that agreement, the Management illegally declined to pay the Gratuity to this employee for his service from 16th May 1955 to 31st May 1965 at the rate of 15 days wages for every year of completed service. The present claim is, therefore, for payment of Gratuity at the rate of days per year for every completed year of service from 15th May 1955 to 31st May 1965.

3. As against this, the II Party contended that this worker, Sri Krishnan, resigned the job with effect from 31st May 1965 and it is also admitted that he was working under the II Party Management from 16th May 1965. The claim made by the I Party that he was a Mill hand is denied. There is no agreement or settlement to pay gratuity to the workers, muchless is it binding between the I Party and the II Party. The II Party, therefore, submits that the I Party is not entitled to any Gratuity and the claim is rejected.

4. In the rejoinder filed by the I Party, the contentions of the Counter Statement had been denied. It is contended by the I Party that Kushalnagar Works is a part and parcel of the Consolidated Coffee Estates (1918) Ltd., and it is a Member of the Mysore State Planters Association, Chickmagalur, which has entered into an agreement regarding gratuity with the unions of employees and a copy of the settlement has been filed and marked as an Ext. W. 1. In view of this settlement, it is requested that suitable orders may be passed. On the basis of these pleadings, Issues were fromed by us and the case was posted for

evidence on 12th December 1966. On 12th December 1966 at the request of the I Party, the case was taken up for evidence at my Mercara Camp. Instead of being present on 12th December 1966 and leading evidence, the I Party quietly sent a telegram and stayed away. However, the II Party had no objection for granting adjournment. The case was adjourned with a direction that the next date of hearing will be intimated to the I Party. Accordingly the case was taken up at my Mysore Camp on 1st February 1967. This fact was intimated well before to the Secretary of the I Party Union on 16th January 1967 itself. The posting date of hearing was intimated with a direction that no adjournment would be given to either of the Parties. On 1st February 1967, the case was called out at my Mysore Camp. Sri K Ramdas, representative of the II Party-Management was present while the I Party again remained absent. Neither the Secretary nor the workman was present when the case was called. Instead, the Secretary of the Union, has addressed a letter dated 30th January 1965 taking objection to the case having posted at Mysore. It is clear from this letter that the I Party is not anxious to proceed with the dispute. When I had camped at Mercara for the specific purpose of recording evidence of this case on 12th December 1966, the I Party did not care to be present though long before 12th December 1966 that the I Party was told that no adjournment will be given. In spite of this, the I Party remained absent and did not choose to adduce evidence at Mercara Camp The case was taken up on 12th December 1966 at the instance of the I Party. If the I Party did not avail of that opportunity, nobody else is to be blamed except the I Party. I must say that the I Party has forfeited the right of requesting the Tribunal to hold the Court at Mercara Camp alone once again. To-day, when the case was called at Mysore Camp, neither the I Party's Secretary, nor the workman was present. Under the circumstances, I have no other alternative but to treat the I Party as an *Ex parte* and make an Award rejecting the Reference on the ground that the same is not substantiated. In the circumstances of case, each party will bear its cost.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal,
Bangalore.
3-2-1967.

ORDER.

Bangalore, dated 16th February 1967.

S. O. 623.—WHEREAS by State Government Order No. PLM 118 LLD 66, dated 5th April 1966, the Industrial Dispute between the Workmen and the Management of Kushalnagar Works, Kudige Post, Coorg District was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 118 LLD 66.]

By Order and in the name of the Governor of Mysore,

807.0 G. G. PUROHIT, *Under Secy.*